THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 21150 OF 2007

DATED: 04-12-2007

Between:

Reddypally Yadaiah, S/o. Balaiah

… Petitioner

And

The Superintendent of Police,
Medak District at Sanga Reddy
And five others

… Respondents

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ORDER:

In this writ petition the petitioner seeks a direction by way of Mandamus to declare the action of the respondents in not investigating the Cr.No.54 of 2007 on the file of the Police Station, Toopran, Medak District as illegal and arbitrary.

The petitioner is claimed to be the owner of the land covered by Sy.Nos. 737 and 738 admeasuring Ac.3.34 guntas situated at Toopran Village and Mandal of Medak District. It is stated that the petitioner has purchased the said land from its earlier owner by name Katika Sattaiah by virtue of a registered sale deed bearing document No.436/1991. The petitioner filed a private complaint as contemplated under Sec.190 Cr.P.C. before the Judicial First Class Magistrate, Gajwel. On such complaint, the matter was referred for investigation as contemplated under Sec.156(3) of Cr.P.C. Pursuant to the reference, a case is registered in Cr.No.54/2007 for the alleged offences under Sec.420 IPC against respondents 3 to 6. In the complaint, it is alleged that though the petitioner has agreed to sell the land @ Rs.8,00,000/- per

acre, but, however in the agreement which is executed in favour of the respondents, consideration was mentioned as Rs.2,15,000/-. It is submitted by the learned counsel for the petitioner that taking advantage of the petitioner's illiteracy, the respondents have obtained his thumb impression on the agreement of sale and committed the offence of cheating and as such, they are liable for punishment under Sec. 420 IPC.

It is the grievance of the petitioner that though such a reference was ordered and agreement was registered on
06-03-2007, but however, no action has been taken by the police-respondents 1 and 2.

Though counter affidavit is not filed, but the learned Government Pleader appearing for Home has filed written instructions stating that after registration of case in Cr.No.54 of 2007, during the course of investigation, police examined the complainant, his wife and also one Udutha Nagaiah, who is the brother-in-law of the complainant and arrived at the conclusion that the case is of civil nature. It is stated that the Sub-Inspector of Police, Toopran police station has addressed a letter to the Deputy Superintendent of Police, Toopran Sub division seeking permission to refer the case as civil nature.

As much as it is the only grievance of the petitioner that no action has been taken by the respondents, but in view of the examination of the complainant, his wife and other witness, it cannot be said that the respondents have not investigated into the case. As much as it is stated that the investigation has come to an end and final report has to be filed, I deem it appropriate to direct the respondents to submit a final report in the above said crime within a period of six(6) weeks from the date of receipt of this order.

Subject to the above direction, writ petition is disposed of. No order as to costs.

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R. SUBHASH REDDY, J.

Dt: 04-12-2007
Rns

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